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Letter dated 1 July 2008 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Jamaica submitted pursuant to resolution 1624 (2005) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Neven **Jurica**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

08-41384 (E) 230708

Annex

Letter dated 26 June 2008 from the Chargé d'affaires a.i. of the Permanent Mission of Jamaica to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

On instructions from my Government, I have the honour to transmit herewith the report of Jamaica on the implementation of Security Council resolution 1624 (2005) concerning threats to international peace and security caused by acts of terrorism (see enclosure).

(*Signed*) Angella Hamilton **Brown**
Chargé d'affaires a.i.

Enclosure

Report of Jamaica to the Counter-Terrorism Committee pursuant to resolution 1624 (2005)

Introduction

1. Cognizant of the imperative to combat all forms and manifestations of terrorism by all means, in accordance with the Charter of the United Nations, Jamaica concurs with and endorses the Security Council's position that States need to ensure that the measures implemented by them to combat terrorism comply with the obligations imposed on them under international law.

2. Jamaica recalls and reaffirms that, under the Charter of the United Nations, the Security Council's principal responsibility is for the maintenance of international peace and security. Jamaica therefore lends its complete support to the Security Council's condemnation, in the strongest terms, of all acts of terrorism, whenever and by whomsoever committed, regardless of motivation, as one of the most serious threats to international peace and security.

3. Jamaica also endorses the Security Council's strong condemnation of the incitement of terrorist acts and rejection of any attempt to justify or glorify terrorist acts that may incite further terrorist acts.

4. Pursuant to its obligations under paragraph 5 of Security Council Resolution 1624 (2005), Jamaica hereby reports to the Counter-Terrorism Committee the steps it has taken to implement the said resolution.

International conventions

5. Jamaica recalls the urgency with which Security Council through Resolution 1624 (2005) encouraged States to become party to the international counter-terrorism conventions, with priority being placed on the International Convention for the Suppression of Acts of Nuclear Terrorism. In response to this call Jamaica became a signatory of that convention and is taking steps to ratify same.

6. Additionally Jamaica is currently a state party to twelve (12) major international conventions and protocols on terrorism.

Prohibiting and preventing incitement to commit terrorist acts

7. Jamaica continues to share the concern of the international community regarding the serious and increasing threat posed to the enjoyment of human rights, global stability and prosperity, and the social and economic development of States by the incitement of acts of terrorism motivated by extremism and intolerance. Jamaica agrees that this threat requires the urgent and proactive response of the United Nations and all States and that all necessary and appropriate steps, nationally and internationally, should be taken in accordance with international law to protect the right to life.

8. In keeping with its continuing efforts to fulfil its international obligations to combat terrorism, Jamaica enacted the Terrorism Prevention Act (TPA) in 2005, under which acts of terrorism are indictable offences punishable by life imprisonment for an individual and fines for a body corporate.

9. The TPA in its current form makes no provision for the incitement to commit an act of terrorism. Despite this it is still possible to prosecute for this offence. The incitement of the commission of a crime is an offence at common law. It is therefore possible to prosecute at common law persons who through threat, persuasion or pressure, incite another to commit a terrorist act.

10. Jamaica remains committed to fulfilling its obligations to combat terrorism in all its forms and manifestations and is currently in the process of reviewing the provisions of the TPA.

Denying safe haven to persons engaged in incitement to commit terrorist acts

11. Jamaica accepts that acts, methods and practices of terrorism are contrary to the principles and purposes of the United Nations. Additionally Jamaica recognizes that knowingly financing, planning and inciting terrorist acts are also contrary to the principles and purposes of the United Nations.

12. Jamaica recalls that the Security Council in Resolution 1624 (2005) has urged all States to cooperate fully in the fight against terrorism in order to locate, deny safe haven and bring to justice any person who supports, facilitates, participates or attempts to participate in the financing, planning, preparation or commission of acts of terrorism or provides safe havens.

13. Jamaica remains unwavering in its commitment to deny safe haven to those who orchestrate, finance or commit acts of terrorism in all forms and manifestations. This commitment is demonstrated by actions such as Jamaica's ratification of

the United Nations Convention Against Transnational Organized Crime and its Protocols.

14. Jamaica has sought through legislation to combat the planning, financing and commission of terrorism through legislation, namely the TPA and the Proceeds of Crime Act (POCA). The latter Act is a recent one which among other things allows for any crime including the financing of terrorism to be a predicate offence for money laundering charges; regulates the transfer of funds and obligates financial institutions, designated non financial businesses and professions; and any person who forms such a suspicion in the course of their trade, profession, business or employment to report suspicious transactions. The POCA also makes provision for civil forfeiture.

15. Under the TPA it is an offence for anyone to, among other things, commit terrorist activities, deal in property for terrorist purposes and harbour, conceal, hinder, or prevent the apprehension of anyone who he knows or reasonably believes has committed or is planning or likely to commit a terrorist activity.

16. It is again recognized that the TPA in its current form does not refer to incitement to commit terrorist acts as an offence. Prosecution therefore would be to the extent available under the common law.

Strengthening borders to prevent entry by those guilty of incitement of terrorism

17. Jamaica endorses the Security Council's call for States to cooperate in strengthening the security of international borders through means which include combating fraudulent travel documents and enhancing terrorist screening and passenger security procedures with a view to preventing the entry into their borders of those guilty of incitement to commit terrorism.

18. Given the magnitude of the threat posed by acts of terrorism, Jamaica fully appreciates the need for cooperation with other states in an effort to prevent and combat terrorism, and continues to be committed to encouraging and facilitating such cooperation. In 2007 Jamaica, along with other Caribbean States, successfully hosted the staging of the Cricket World Cup (CWC). Prior to this event regional security arrangements had to be implemented within the region to facilitate the hosting of the CWC. These arrangements, namely the establishment of the Joint Regional Intelligence Fusion Centre and the Caribbean Intelligence Sharing Network (CISNET), are still operational and facilitate the rapid exchange of information across the Caribbean region. Additionally the Advanced Passenger Information System (APIS), established

with the assistance of the United States Department of Homeland Security, is also still operational.

19. Jamaica also utilizes information gained through its membership in international and regional organizations such as INTERPOL and the Caribbean and Latin America Association of Intelligence Police. Persons entering Jamaica are subject to screening using local, CARICOM, United Nations and INTERPOL watch lists. Similar procedures are applied to applicants for permanent residence and naturalization.

Enhancing dialogue and broadening understanding

20. Jamaica remains supportive of the Security Council's call for all States to enhance dialogue and broaden understanding among civilizations in order to prevent indiscriminate targeting of different religions and cultures. Additionally Jamaica recognizes the need for States to take the appropriate steps to counter incitement of terrorist acts motivated by extremism and intolerance and to prevent the subversion of educational, religious and cultural institutions by those who engage in and/or provide support for acts of terrorism.